

HOUSE No. 4491

As substituted by the House for House bill No. 4278, and as amended and passed to be engrossed by the House. November 15, 2005.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO THE DEVELOPMENT OF UNDERUSED STATE OWNED
REAL PROPERTY AND THE DISPOSITION OF STATE OWNED SURPLUS REAL
PROPERTY.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose, which is to authorize forthwith the develop-
3 ment of underused state owned real property and the disposition
4 of certain surplus real property, therefore it is hereby declared to
5 be an emergency law, necessary for the immediate preservation of
6 the public convenience.

*Be it enacted by the Senate and House of Representatives in General
Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 7 of the General Laws is hereby amended
2 by striking out section 1, and appearing in the 2004 Official Edi-
3 tion, and inserting in place thereof the following section:—
4 Section 1. As used in this chapter the following words shall,
5 unless the context clearly requires otherwise, have the following
6 meanings:—
7 “Commissioner”, the commissioner of administration.
8 “Eligibility”, written criteria established before a request for
9 applications that are used to determine if an application for an
10 award of grant program resources is acceptable.
11 “Finance committee”, the committee of the executive council
12 appointed to consider matters of finance.
13 “Grant program”, financial or technical assistance provided by
14 a state agency or state authority, as defined in section 1 of
15 chapter 29, available to a city, town or other public or private
16 entity otherwise eligible.

17 “Grant program fiscal statement”, shall include: (1) a descrip-
18 tion of the substance of the application; (2) the average expected
19 grant amount; (3) a listing of award recipients, including the
20 award amount, if any, the fiscal year of the award and the date of
21 award; (4) the estimated proportion of monies, in-kind match or
22 other monies to be supplied by the award recipient and any other
23 source from which such match will be required; (5) a description
24 of the allocation formula and matching requirements, including
25 whether the grant is distributed on the basis of a specified formula
26 or at the grantor’s discretion; (6) a description of any constraints
27 placed on the use of the grant; and (7) contact information,
28 including the telephone number, postal address and internet email
29 address to facilitate the application process.

30 “Grant program reference”, a description in electronic format
31 that is retrievable and printable that shall include: (1) the grant
32 program application; (2) the grant program eligibility criteria; (3)
33 the application due date; and (4) the grant program fiscal state-
34 ment.

35 For the purposes of sections 39B to 43J, inclusive, the
36 following words shall, unless the context clearly requires other-
37 wise, have the following meanings:—

38 “Agency”, the Massachusetts Development Finance Agency, a
39 body politic and corporate entity established by section 2 of
40 chapter 23G.

41 “Commissioner”, the commissioner of the division of capital
42 asset management and maintenance.

43 “Committee”, the state surplus land coordinating committee
44 established pursuant to section 40F.

45 “Affordable housing”, housing that is affordable for rental or
46 purchase by families or individuals whose income at initial occu-
47 pancy is equal to or less than 100 per cent of the median area
48 income as determined by the United States secretary of housing
49 and urban development for federal housing programs.

50 “Direct public use”, use of real property by a governmental or
51 quasi-governmental entity including, but not limited to, the com-
52 monwealth, any municipality within the commonwealth, or any
53 authority or district within the commonwealth, or any instrumen-
54 tality of any of the foregoing, and, with respect to any use of real
55 property by a private non-profit organization, any use of the real

56 property for affordable housing production, community economic
57 development, historic preservation or for open space acquisition
58 or preservation.

59 “Host municipality”, the municipality or municipalities within
60 which state owned real property conveyed, leased or otherwise
61 transferred pursuant to the provisions of this chapter is located.

62 “Net cash proceeds”, all payments paid to the commonwealth
63 as and when paid, less any transaction-related expenses incurred
64 by the division of capital asset management and maintenance, the
65 Massachusetts Development Finance Agency and the regional
66 planning agency for which it is not otherwise reimbursed,
67 including, but not limited to, costs associated with the disposal or
68 pre-development of the real property wherefrom the funds origi-
69 nated including, but not limited to, appraisals, surveys, site evalu-
70 ation, site preparation, plans, recordings, smart growth review and
71 feasibility and other marketing studies and any other expenses
72 relating to the disposal or project management services in connec-
73 tion with any reuse or redevelopment of the real property pursuant
74 to the provisions of this chapter, and less any amounts that may be
75 owing to the federal government as a result of the disposition.

76 “Real property”, as defined in section 39A.

77 “State agency”, as defined in said section 39A.

78 “Surplus real property”, real property of the commonwealth:

79 (1) previously determined to be surplus to current and foresee-
80 able state needs pursuant to this chapter, but excluding real prop-
81 erty for which there is an established local reuse plan; or (2)
82 determined by the state surplus land coordinating committee to be
83 surplus to current and foreseeable state needs pursuant to the pro-
84 visions of this chapter.

1 SECTION 2. Said chapter 7 is hereby further amended by
2 striking out section 40E, as so appearing, and inserting in place
3 thereof the following section:—

4 Section 40E. Real property, record title to which is held in the
5 name of a state agency or the board of trustees of a state agency or
6 similar board of a state agency, shall be deemed to be the real
7 property of the commonwealth. No deed or other instrument shall
8 be required to effect the transfer to the commonwealth of title to
9 such real property, but the land court department of the trial court

10 shall, upon petition of the division of capital asset management
11 and maintenance, issue in the name of the commonwealth a cer-
12 tificate of title to any real property, title to which is registered
13 under chapter 185 in the name of a state agency or the board of
14 trustees of a state agency or similar board of a state agency.
15 Notwithstanding any general or special law to the contrary, no
16 person shall acquire any rights by prescription or adverse posses-
17 sion in any lands or rights in lands held in the name of the com-
18 monwealth.

19 The commissioner and the committee shall exercise the powers
20 stated in this chapter, notwithstanding the delegations which the
21 general court has made pertaining to the acquisition, control, and
22 disposition of real property, including section 19 of chapter 16;
23 section 1 of chapter 19; section 7 of chapter 19A; sections 9A, 13,
24 and 30 of chapter 21; sections 2 and 9 of chapter 21A; sections 8
25 and 26 of chapter 23A; section 7 of chapter 23B; section 3 of
26 chapter 28A; section 41 of chapter 29; sections 4 and 5 of
27 chapter 29A; sections 11, 12, 25, 26, and 27 of chapter 75; sec-
28 tions 7, 7A, 7C, 7D, 7E, 7G, 7H, 7L, 7M, 11, 13A, and 13B of
29 chapter 81; section 7 of chapter 82; section 4 of chapter 83;
30 section 39B of chapter 90; sections 2, 3, 5, and 6 of chapter 91;
31 sections 9A, 13, 33, 34, 77 to 85, inclusive, 87, and 88 of
32 chapter 92; sections 62R, 83, and 86 of chapter 111; section 5 of
33 chapter 111B; section 8 of chapter 115A; sections 1 and 2 of
34 chapter 120; section 5 of chapter 122; section 10 of chapter 124;
35 section 2 of chapter 147; sections 31 and 32 of chapter 184; pro-
36 vided, however, that the commissioner shall acquire, control and
37 dispose of real property in accordance with the terms and pur-
38 poses of the aforementioned provisions. The commissioner shall
39 not make any acquisition of real property on behalf of a state
40 agency by eminent domain or make any such delegation of power
41 to acquire real property by eminent domain to any state agency
42 unless such state agency is otherwise authorized by law to exer-
43 cise the power of eminent domain. The commissioner may dele-
44 gate to state agencies responsibility for the acquisition and control
45 of real property as provided for in this chapter. When responsi-
46 bility is delegated to a state agency, the written approval of the
47 commissioner shall be required before the transaction is com-
48 pleted, and a copy of said written approval shall be sent to the
49 joint committee on bonding, capital expenditures and state assets.

50 For the purposes of sections 40F to 40L, inclusive, the term
51 “emergency” shall mean any situation caused by unforeseen cir-
52 cumstances which render currently used real property unusable or
53 unavailable for the purposes intended and which creates an imme-
54 diate need for other real property to preserve the health or safety
55 of persons or real property.

1 SECTION 3. Said chapter 7 is hereby further amended by
2 striking out section 40F, as so appearing, and inserting in place
3 thereof the following section:—

4 Section 40F. (a) There shall be established a state surplus land
5 coordinating committee, hereinafter the committee. The com-
6 mittee shall consist of 11 members, 1 of whom shall be the secre-
7 tary of the executive office of administration and finance or his
8 designee; 1 whom shall be the secretary of the executive office of
9 transportation and construction or his designee; 1 of whom shall
10 be the secretary of the executive office of economic development
11 or his designee, provided his designee is the director of the
12 Massachusetts office of business development; 1 of whom shall be
13 the secretary of the executive office of environmental affairs or
14 his designee; 1 of whom shall be the director of the department of
15 housing and community development or his designee; 1 of whom
16 shall be the commissioner of the division of capital asset manage-
17 ment and maintenance or his designee; 1 of whom shall be the
18 director of the Massachusetts municipal association or his
19 designee; 1 of whom shall be chair of the commonwealth develop-
20 ment coordinating council or his designee; and 1 of whom shall be
21 the chief executive officer of the Massachusetts development
22 finance authority or his designee; 1 of whom shall be the chair of
23 the board of directors of the Massachusetts association of regional
24 planning agencies or his designee; and 1 of whom shall be the
25 president of the Massachusetts association of community develop-
26 ment corporations or his designee.

27 The committee shall meet from time to time and shall advise
28 and direct the commissioner on all real property being considered
29 for surplus designation and on the appropriate disposition of such
30 real property, including but not limited to, whether the real prop-
31 erty should be declared surplus, the potential reuses for the real
32 property, including, but not limited to, its suitability for housing

33 development, economic development or preservation as open
34 space, a community's master plan, and what restrictions, if any,
35 should be placed on its use and development.

36 The committee shall annually submit a written report of its
37 activities not later than December 31. Said report shall be sub-
38 mitted to the president of the senate, the speaker of the house of
39 representatives, the chairs of the joint committee on bonding, cap-
40 ital expenditures and state assets, the chairs of the joint committee
41 on economic development and emerging technologies, the clerk of
42 the senate and the clerk of the house of representatives.

43 (b) The commissioner, upon the approval of the committee,
44 shall be responsible for the disposition of real property in the
45 manner and to the extent provided in this chapter. The commis-
46 sioner may delegate such responsibility to an administrator who
47 has 10 years of experience in the management of commercial,
48 industrial, institutional or public real property and open space
49 preservation. When responsibility is delegated to an administrator
50 the written approval of the commissioner shall be required before
51 such transaction is finalized.

52 (c) The commissioner shall, pursuant to the provisions of this
53 chapter, convey, lease for a term not to exceed 99 years, transfer
54 or otherwise dispose of real property to the agency or the host
55 municipality or, upon the approval of the committee, convey, lease
56 for a term not to exceed 99 years, transfer or otherwise dispose of
57 surplus real property as specified in this chapter.

58 The commissioner shall provide such administrative support to
59 the committee as the committee may request.

1 SECTION 4. Said chapter 7, is hereby further amended by
2 inserting after section 40F the following section:—

3 Section 40F¼. (a) The commissioner shall recommend to the
4 committee for surplus designation any real property owned by the
5 commonwealth that is not required for use by any state agency or
6 executive office and which in his judgment should be declared
7 surplus real property subject to disposition by the commonwealth
8 in accordance with the provisions of this chapter; provided, how-
9 ever, that prior to recommending that a parcel of real property be
10 declared surplus, the commissioner shall determine whether any
11 state agency or executive office has a current or foreseeable need

12 for the real property. In order to establish whether there exists a
13 current or foreseeable need, the commissioner shall provide
14 written notice and inquiry to the heads of state agencies and secre-
15 taries of the executive offices who shall have 30 days to submit a
16 written response indicating that the real property is necessary for a
17 specific current or foreseeable need of such agency or executive
18 office. If no agency or executive office submits such a response
19 within 30 days of receiving said notice, the commissioner shall
20 recommend to the committee that the real property be declared
21 surplus real property subject to disposal by the commonwealth in
22 a manner consistent with the provisions of this chapter. In the
23 event that a written response from a state agency or executive
24 office is timely received specifying a current or foreseeable need
25 for the real property, the commissioner shall, within 30 days and
26 in consultation with the secretary of administration and finance
27 and with any affirmatively responding state agency or executive
28 office:

29 (1) determine whether the real property shall be made available
30 for the current use of a state agency or executive office; (2) deter-
31 mine whether the real property shall be retained on account of a
32 foreseeable use by a state agency or executive office; provided,
33 however, upon a determination that a parcel of real property is
34 surplus to current state uses, but not to foreseeable state uses, the
35 commissioner shall take such action as is necessary to ensure that
36 any disposition of the real property is temporary and said action
37 shall maintain the commissioner's ability to make such real prop-
38 erty available to a state agency or executive office at such time as
39 it may be needed; or (3) notwithstanding the current or foresee-
40 able need of the responding state agency or executive office, rec-
41 ommend to the committee that the real property should be
42 declared surplus real property subject to disposal by the common-
43 wealth in a manner consistent with the provisions of this chapter.

44 Within 10 days of providing written notice and inquiry to the
45 heads of state agencies and secretaries of the executive offices as
46 required by this section, the commissioner shall, for informational
47 purposes, provide written notification to the host municipality that
48 the real property may be declared surplus pursuant to the provi-
49 sions of this chapter. Said notice shall be sent to the city manager
50 in the case of a city under a Plan E form of government, the

51 mayor and city council in the case of all other cities, the chairman
52 of the board of selectmen in the case of a town, the county com-
53 missioners, the regional planning agency, and the representatives
54 to the general court representing said host municipality. The com-
55 missioner shall set forth in such notice a description of the real
56 property and a declaration that the real property is being consid-
57 ered for surplus designation.

58 (b) The commissioner shall file a report with the joint com-
59 mittee on bonding, capital expenditures and state assets which
60 shall include the commissioner's recommendation as to the pro-
61 posed designation of said real property as surplus. Within 30 days
62 of said filing, the joint committee shall hold a public hearing on
63 the commissioner's proposed designation. Thereafter, said joint
64 committee shall report its findings to the general court together
65 with legislation within 30 days of said public hearing, and shall
66 provide a copy of said findings and legislation to the commis-
67 sioner; provided, further, that prior to the commissioner recom-
68 mending to the committee that the real property be declared
69 surplus to current and foreseeable state uses, there shall be an
70 affirmative vote of the general court enacting legislation.

71 The commissioner shall establish the value of real property
72 using customarily accepted appraisal methodologies. The value
73 shall be calculated both for (i) the highest and best use of the real
74 property as currently zoned, and (ii) subject to uses, restrictions
75 and encumbrances as may be defined by the general court and the
76 committee. Appraisals under this paragraph shall be conducted by
77 an independent licensed appraiser. In no instance in which the
78 commonwealth retains responsibility for maintaining the real
79 property shall the terms provide for payment of less than the
80 annual maintenance costs.

81 (c) Prior to recommending to the committee that the real prop-
82 erty be declared surplus to current and foreseeable state uses the
83 commissioner shall, within 10 days of the general court's action as
84 required by subsection (b), provide simultaneous written notifica-
85 tion to the host municipality, the agency and the regional planning
86 agency for the region where the real property is located indicating
87 that the real property is available. For parcels of real property
88 larger than two acres as delineated on November 10, 2005 or
89 valued at more than \$1,000,000 the commissioner shall commis-

90 sion the regional planning agency for the region where the real
91 property is located to conduct a smart growth reuse review. Said
92 review shall consider a need for a variety of housing options
93 including but not limited to the development of supportive and
94 affordable housing for the physically and cognitively disabled and
95 the mentally ill, economic development and open space; current
96 and prospective zoning of the site; the need for municipal capital
97 facilities and public uses; impact of traffic and transit; impact on
98 the environment and natural resources and on agricultural lands;
99 existence of historically significant structures; availability of
100 infrastructure, including water supply, waste water and store water
101 run-off; fiscal impact of the development on the host munici-
102 pality; remediation of contamination; and other smart growth
103 implications. The regional planning agency shall complete the
104 review within 60 days.

105 (d) Upon receipt of the notification pursuant to subsection (c)
106 the host municipality shall have a right of first refusal to purchase
107 the real property pursuant to the conditions established in this
108 section. The host municipality shall have the right of first refusal
109 to purchase the real property for a direct public use at 85 per cent
110 of the fair market value of the real property as established pur-
111 suant to this chapter. The host municipality shall have the right of
112 first refusal to purchase the real property for a purpose other than
113 a direct public use at fair market value as established pursuant to
114 this chapter. Such right of first refusal must be exercised, if at all,
115 by the host municipality within 210 days of receipt of such notice
116 by providing written notification to the commissioner of the host
117 municipality's intent to purchase the real property. The host
118 municipality shall then have an additional 180 days from its exer-
119 cise of its right of first refusal to close on the purchase of the real
120 property. In the event that a host municipality fails to close on the
121 purchase of the real property within such time, the sole remedy of
122 the commonwealth against the host municipality for such failure
123 is to proceed with the disposition of the real property without fur-
124 ther right of purchase by the host municipality; provided, how-
125 ever, that if said failure to close on the purchase of the real
126 property was in bad faith, the commonwealth shall not be required
127 to share proceeds of the sale of said real property with the host
128 municipality as required by section 2000 of chapter 29. The

129 commissioner, at his discretion, may negotiate with a host munici-
130 pality exercising its right of first refusal flexible financing
131 arrangements to facilitate the purchase of the real property under
132 this section; provided, however, that no such arrangements shall
133 provide for a period of more than 5 years for all payments due
134 under this section. A host municipality exercising a right of first
135 refusal as provided herein may engage the services of the agency
136 to perform planning, feasibility, marketing, and other studies or to
137 provide project management services in connection with any reuse
138 or redevelopment of the real property.

139 If a city or town has held a vote for debt exclusion pursuant to
140 section 21C of chapter 59 of the General Laws to finance the sur-
141 plus real property purchase the date by which the host munici-
142 pality shall exercise its option to purchase will be extended until 7
143 days after the vote.

144 A host municipality shall be permitted to assign its right of first
145 refusal to purchase the real property for a direct public use at 85
146 per cent of the fair market value of the real property as established
147 pursuant to this chapter to a non-profit organization for a direct
148 public use of said organization. Such assignment must be made by
149 the host municipality, if at all, within 210 days of receipt of notifi-
150 cation pursuant to subsection (c), the assignee non-profit organi-
151 zation must exercise said right, if at all, within 90 days of
152 assignment of such right by the host municipality by providing
153 written notification to the commissioner of the assignee non-profit
154 organization's intent to purchase the real property. The assignee
155 non-profit organization shall then have an additional 90 days from
156 its exercise of said assignment by the host municipality to close
157 on the purchase of the real property.

158 In the event that the assignee non-profit organization fails to
159 close on the purchase of the real property within such time, the
160 sole remedy of the commonwealth against the host municipality
161 for such failure is to proceed with the disposition of the real prop-
162 erty without further right of purchase by the host municipality;
163 provided, however, that if said failure to close on the purchase of
164 the real property was in bad faith, the commonwealth shall not be
165 required to share proceeds of the sale of said real property with
166 the host municipality as required by section 2000 of chapter 29.

167 If the host municipality or its assignee acquires any portion of
168 the real property for open space purposes, or if any of the real
169 property is restricted for open space purposes, a conservation
170 restriction pursuant to chapter 184 of the general laws shall be
171 retained by the commonwealth on such parcels.

172 (e) Upon receipt of the notification required pursuant to subsec-
173 tion (c) the agency shall have 180 days to determine whether the
174 agency will acquire title to, or another interest in, said real prop-
175 erty and to provide such notice to the commissioner; provided,
176 however, that the agency shall send preliminary notification to the
177 commissioner within 30 days of its receipt of such notice stating
178 its intention to decline title to, or other interest in, said real prop-
179 erty or to undertake a due diligence review within such 180 day
180 period. The preliminary notification shall not be binding upon the
181 agency. The agency's determination whether to accept title to, or
182 an interest in, said real property shall be based on an analysis as to
183 the feasibility and need for the development, operation or mainte-
184 nance of the real property, in whole or in part, substantially for
185 institutional, governmental, industrial, or commercial uses which
186 will prevent or eliminate blight, economic dislocation, economic
187 distress, or unemployment, or for such other public purposes as
188 the agency may determine. The agency shall, within 21 days of
189 receipt of a request from the host municipality or the regional
190 planning agency, provide said host municipality and the regional
191 planning agency any information acquired from its analysis of the
192 real property, including but not limited to, appraisals, surveys, site
193 evaluations, site preparation, plans, recordings, smart growth
194 review and any other work product relating to pre-development or
195 development of the real property pursuant to the provisions of this
196 chapter.

197 If the agency elects to acquire title to, or another interest in, the
198 real property through a conveyance, a lease not to exceed 99
199 years, a rental or transfer, the agency shall so notify the commis-
200 sioner within said 180 day time period by providing an offer to
201 acquire such real property. The offer shall include a proposed
202 redevelopment plan and a purchase or lease price for the real
203 property determined by using customarily accepted appraisal
204 methodologies and subject to uses, restrictions and encumbrances
205 as may be determined by the general court and the commissioner.

206 The agency shall also send its proposed redevelopment plan to the
207 host municipality and the regional planning agency serving the
208 area where the real property is located.

209 The agency and commissioner shall execute a mutually accept-
210 able land disposition agreement not sooner than 35 days after the
211 expiration of its 180 day option to purchase as provided for in this
212 section or not sooner than 10 days and not later than 90 days,
213 unless extended by a mutual agreement of the parties, after the
214 host municipality declines to exercise or assign its right of first
215 refusal to purchase the real property. Such land disposition agree-
216 ment shall be subject to the agency securing all necessary state
217 and local permits and approvals, and subject to a satisfactory envi-
218 ronmental review. If the agency and the commissioner do not exe-
219 cute a mutually acceptable land disposition agreement in such
220 time period, or at the conclusion of an arbitrator's review, as
221 applicable, the commissioner may dispose of the real property in a
222 manner consistent with the provisions of this chapter; provided,
223 however, that the commissioner shall not unreasonably withhold
224 his acceptance of a bona fide offer from the agency. If the agency
225 is aggrieved by a decision of the commissioner, it may appeal to
226 the committee within 15 days. The committee shall, within 15
227 days appoint an independent arbitrator to review the proposal. The
228 arbitrator shall have 30 days to conduct said review. The decision
229 of the arbitrator shall be binding upon the commissioner and the
230 agency.

231 The agency may acquire an interest in real property only after
232 approval of a redevelopment plan for such real property by the
233 board of directors of the agency; provided, however, that prior to
234 the submission of said redevelopment plan to the board for
235 approval, the agency shall conduct a public hearing in the host
236 municipality to allow for local input on the redevelopment plan
237 and as to the potential reuses for the real property, including, but
238 not limited to, its suitability for economic development, job cre-
239 ation, or preservation as open space, and what reuse restrictions, if
240 any, should be imposed on its use and development. The agency
241 shall publish notice of the hearing in the central register published
242 by the state secretary pursuant to section 20A of chapter 9 within
243 30 days of the date of the hearing. Notification of the public
244 hearing shall also be sent to the host municipality. Said notice

245 shall be sent to the city manager in the case of a city under a Plan
246 E form of government, the mayor and city council in the case of
247 all other cities, the chairman of the board of selectmen in the case
248 of a town, the county commissioners, the regional planning
249 agency, and the representatives to the general court representing
250 said host municipality. The agency shall set forth in such notice a
251 description of the real property, a copy of the proposed redevelopment
252 plan and the date of the public hearing. A notice of the
253 public hearing shall also be placed, at least once each week for the
254 4 consecutive weeks preceding the hearing, in newspapers with
255 sufficient circulation to inform the people of the host municipality.
256 The hearing shall be held in the host municipality not sooner than
257 30 days and not later than 35 days after the notice is published in
258 the central register.

259 Notwithstanding any other general or special law to the con-
260 trary, any real property transferred to the agency through either a
261 conveyance or lease shall be designated by the economic assis-
262 tance coordinating council as an economic target area, an eco-
263 nomic opportunity area, and a certified project, as those terms are
264 defined in section 3A of chapter 23A, and such real property shall
265 be eligible for all the incentives and benefits provided by the eco-
266 nomic development incentive program.

267 (f) Notwithstanding any other general or special law to the con-
268 trary, the agency is authorized to employ alternative methods of
269 procurement relative to the planning, design, demolition, con-
270 struction, reconstruction, improvement, renovation, enlargement,
271 expansion, remodeling, repair or build-out of any and all facilities,
272 as may be useful or necessary from time to time in connection
273 with the redevelopment of such real property by the agency in fur-
274 therance of this chapter, including, without limitation, turnkey,
275 design-build, lease, lease purchase or utilization of modular build-
276 ings.

277 The acquisition, procurement, planning, design, construction,
278 reconstruction, improvement, renovation, enlargement, expansion,
279 remodeling, alteration, repair, build-out, development, financing,
280 management, maintenance, operation or leasing of all or any por-
281 tion of a redevelopment project undertaken by the agency in fur-
282 therance of this chapter and any contract for construction and
283 design or other consulting services for or relating to, the construc-

284 tion, reconstruction, improvement, renovation, enlargement,
285 expansion, remodeling, alteration, repair, build-out, development,
286 financing, management, maintenance, operation or leasing of all
287 or any portion of real property by the agency pursuant to this
288 chapter shall be exempt from the provisions of section 38A½ to
289 38O, inclusive, of this chapter, section 44A to 44J, inclusive, of
290 chapter 149, and section 39M of chapter 30 or any other general
291 or special law or rule or regulation providing for the advertising or
292 bidding of construction, development, financing, management,
293 leasing or improvements to, or the acquisition or disposition of
294 interests in real or personal property, but the provisions of
295 sections 26 to 27F, inclusive, and section 29, of said chapter 149
296 shall apply to those elements of redevelopment project undertaken
297 by the agency in furtherance of this chapter that, but for the
298 exemptions provided herein, would be subject to such sections.

299 Notwithstanding such exemptions, the procedures to be fol-
300 lowed and the terms and conditions of such procurement
301 processes, including written procedures for the selection of con-
302 struction, design, and other professionals for the redevelopment of
303 real property by the agency pursuant to this chapter, shall be
304 determined by the agency in consultation with, and subject to
305 review by, the inspector general of the commonwealth as set forth
306 in this section, and the procedures shall also be approved by the
307 board of directors of the agency. The inspector general shall com-
308 ment in writing on such procurement process and shall submit
309 such comments to the agency, the chairs of the joint committee on
310 bonding, capital expenditures and state assets, the chairs of the
311 joint committees on economic development and emerging tech-
312 nologies, the clerk of the senate and the clerk of the house of rep-
313 resentatives not less than 30 days before the agency begins the
314 procurement of design and construction services.

315 In order to effectuate an open, competitive and fair procure-
316 ment and an effective contracting process, the agency shall, not
317 less than 45 days prior to the advertisement of the invitation for
318 competitive bids using the procurement process, submit to the
319 inspector general all procedures and criteria developed for the
320 implementation of the alternative method, including a description
321 of the project, the construction bid package, and evaluation cri-
322 teria. The inspector general shall submit written comments on the

323 procedures to the agency not less than 30 days prior to the adver-
324 tisement. The agency shall submit the procedures and criteria and
325 the comments of the inspector general to the chairs of the joint
326 committee on bonding, capital expenditures and state assets, the
327 chairs of the joint committees on economic development and
328 emerging technologies, the clerk of the senate and the clerk of the
329 house of representatives at least 15 days prior to the advertisement
330 for any contract to be awarded on the basis of an alternative
331 method. Such procedures and criteria shall be approved by a vote
332 of the board of directors of the agency. The agency shall submit to
333 the chairs of said joint committees a report of the results of such
334 procurement. If the agency awards the contract to other than the
335 lowest responsive bidder, the agency shall submit to said commit-
336 tees and to the inspector general a written justification describing
337 in detail why such award is in the best interests of the agency.

338 Notwithstanding any other general or special law to the con-
339 trary, each state agency or executive office responsible for the per-
340 mitting, development or financing of economic development
341 projects in the commonwealth is hereby authorized and directed to
342 develop a coordinated one-stop program for businesses, institu-
343 tions and private parties that may intend to locate on the real prop-
344 erty in order to enable development activities on such real
345 property to be more effectively promoted by the commonwealth.

346 Notwithstanding any other general or special law to the con-
347 trary, real property, and any personal property located thereon,
348 acquired by the agency, or of real property so acquired by the
349 agency and leased by it, shall be subject to local taxation to the
350 same extent and in the same manner as other lands are taxed; pro-
351 vided, however, that if said agency or other individual, person,
352 firm, corporation, or other entity creates a minimum of 100 new
353 jobs on the real property they shall not incur said tax liability for a
354 period of 5 years; provided, further, that nothing in this section
355 shall prohibit the municipality from entering into an agreement
356 with said lessee relative to providing incentives and benefits pur-
357 suant to section 3A of chapter 23A.

358 Notwithstanding any other general or special law to the con-
359 trary, if the agency acquires title to, or another interest in, real
360 property formerly used as a department of mental health state hos-
361 pital or department of mental retardation in-patient care facility,

362 the agency shall ensure that at least 15 per cent of any housing
363 units developed on the real property be affordable supported
364 housing for individuals who are clients, or former clients of the
365 respective department; provided, however, that such housing shall
366 be made affordable and available to such individuals with incomes
367 of 15 per cent of the average median income or below; and pro-
368 vided, further, that said restriction shall be recorded in the registry
369 of deeds or the registry district of the land court of the county in
370 which the effected real property is located, as running with the
371 land, and that said real property shall not be released from such
372 restriction until after the expiration of 99 years from the date of
373 initial occupancy by such eligible individuals. If there is no plan
374 to develop housing on the real property formerly used as a depart-
375 ment of mental health state hospital or department of mental retar-
376 dation in-patient care facility, no more than 15% of the sale price
377 shall support, the development of affordable and supportive
378 housing at another location for individuals who are clients, or
379 former clients of the department of mental health or the depart-
380 ment of mental retardation.

381 Notwithstanding any other general or special law to the con-
382 trary, real property acquired by the agency shall remain to the
383 extent affordable, accessible to the public, including but not lim-
384 ited to, the use of trails, pedestrian walkways, open spaces, or
385 recreational facilities.

386 (g) If the host municipality and the agency decline to accept
387 title to, or another interest in, the real property within the time
388 prescribed by this section, the commissioner shall, within 30 days
389 of being notified of said rejection by the host municipality and the
390 agency, formally recommend to the committee that said real prop-
391 erty be officially declared surplus to state uses. Upon receipt of
392 the commissioner's official recommendation that the real property
393 should be declared surplus, the committee shall:

394 (i) within 10 days provide written notice, for each city or town
395 in which the real property is located, to the city manager in the
396 case of a city under Plan E form of government, the mayor and
397 city council in the case of all other cities, the chairman of the
398 board of selectmen in the case of a town, the county commis-
399 sioners, the regional planning agency, and the representatives to
400 the general court representing the host municipality. The com-

401 mittee shall set forth in such notice a description of the real prop-
402 erty and a declaration that the real property is being considered for
403 surplus designation. The committee shall also inform the munici-
404 pality that it may elect to adopt the provisions of chapter 43D and
405 designate the real property a priority development site pursuant to
406 said chapter 43D;

407 (ii) within 45 days conduct a public hearing in the host munici-
408 pality to allow for local input as to whether the real property
409 should be officially declared surplus, the potential reuses for the
410 real property if it is officially declared surplus, including, but not
411 limited to, its suitability for housing development, economic
412 development, job creation, or preservation as open space, and
413 what reuse restrictions, if any, should be imposed on its use and
414 development; provided, however, that in the case of real property
415 formerly used as a department of mental health state hospital or
416 department of mental retardation in-patient care facility, the com-
417 mittee shall place a reuse restriction on the land ensuring that at
418 least 15 per cent of any housing units developed on the real prop-
419 erty be affordable supported housing for individuals who are
420 clients, or former clients, of the respective department; provided,
421 further, that such housing shall be made affordable and available
422 to such individuals with incomes of 15 per cent of average median
423 income or below; and provided, further that said restriction shall
424 be recorded in the registry of deeds or the registry district of the
425 land court of the county in which the affected real property is
426 located, as running with the land, and that said real property shall
427 not be released from such restriction until after the expiration of
428 99 years from the date of initial occupancy by such eligible indi-
429 viduals. The committee shall publish notice of the hearing in the
430 central register published by the state secretary pursuant to
431 section 20A of chapter 9 within 30 days of the date of the hearing.
432 A notice of the public hearing shall also be placed, at least once
433 each week for the 4 consecutive weeks preceding the hearing, in
434 newspapers with sufficient circulation to inform the people of the
435 effected locality. The hearing shall be held in the host munici-
436 pality no sooner than 30 days and no later than 35 days after the
437 notice is published in the central register.

438 (iii) within 120 days report in writing to the commissioner on
439 the real property being considered for surplus designation on the

440 appropriate disposition for such real property. Said report shall
441 include a determination of whether the real property should be
442 declared surplus, the potential reuses for the real property if it is
443 declared by the committee to be surplus, including its suitability
444 for housing development, economic development or preservation
445 as open space, and what restrictions, if any, should be imposed on
446 its use and development. The report shall also include the recom-
447 mendation of the host municipality, if any, and the smart growth
448 report of the regional planning council, if applicable.

449 The determination of the committee shall be binding upon the
450 commissioner.

1 SECTION 5. Said chapter 7 is hereby further amended by
2 striking out section 40F½, as appearing in the 2004 Official Edi-
3 tion, and inserting in place thereof the following section:—

4 Section 40F½. (a) If, pursuant to section 40F¼, the committee
5 determines that a parcel of real property is surplus to both current
6 and foreseeable state uses the commissioner shall proceed with
7 the disposition of the real property in accordance with this section.
8 Notwithstanding any other general or special law to the contrary,
9 any real property officially declared surplus by the committee
10 shall be designated by the economic assistance coordinating
11 council as an economic target area, an economic opportunity area,
12 and a certified project, as those terms are defined in section 3A of
13 chapter 23A, and such real property shall be eligible for all the
14 incentives and benefits provided by the economic development
15 incentive program; provided, further, that any real property offi-
16 cially declared surplus by the committee shall, upon local
17 approval, automatically qualify as a priority development site for
18 the purposes of chapter 43D.

19 The commissioner shall establish the value of surplus real prop-
20 erty using customarily accepted appraisal methodologies. The
21 value shall be calculated both for (i) the highest and best use of
22 the real property as currently zoned, and (ii) subject to uses,
23 restrictions and encumbrances as may be defined by the general
24 court and the committee. Appraisals under this paragraph shall be
25 conducted by an independent licensed appraiser. In no instance in
26 which the commonwealth retains responsibility for maintaining
27 the real property shall the terms provide for payment of less than
28 the annual maintenance costs.

29 (b) The commissioner, within 60 days of receipt of notice from
30 the committee, shall:—

31 (i) publicly declare the real property available for disposition
32 and identify any restrictions on its use and development imposed
33 by the general court or the committee; and

34 (ii) place a notice in the central register published by the state
35 secretary pursuant to section 20A of chapter 9 stating the avail-
36 ability of the real property and requesting proposals from any
37 public or private entity, agency, individual partnership, or joint
38 venture regarding the use, reuse, rehabilitation, renovation, recon-
39 struction, purchase, ownership, lease, construction, or develop-
40 ment of the real property. Said notice shall also include the time
41 and location for submission of bids and proposals and the opening
42 thereof, and other information the commissioner may deem rele-
43 vant; provided, however, that said notice shall simultaneously be
44 filed with the chairs of the joint committee on bonding, capital
45 expenditures and state assets and the chairs of the joint committee
46 on economic development and emerging technologies.

47 All responses to the request for proposals issued pursuant to
48 this section shall be submitted to the commissioner within 60 days
49 after the publishing of the notice in the central register. The com-
50 missioner shall, within 30 days of receiving said proposals, review
51 all the proposals received and recommend to the committee what
52 he deems to be the 3 proposals which represent the highest and
53 best use of the real property. The commissioner shall simultane-
54 ously send notice to each city or town in which the real property is
55 located, to the city manager in the case of a city under Plan E
56 form of government, the mayor and city council in the case of all
57 other cities, the chairman of the board of selectmen in the case of
58 a town, the county commissioners, the regional planning agency,
59 and the representatives to the general court representing the host
60 municipality of the proposals selected by the commissioner and
61 recommended to the committee. The committee shall, within 21
62 days of receiving a recommendation from the commissioner, con-
63 duct a public hearing in the host municipality on the proposals
64 recommended by the commissioner. The committee by a majority
65 vote shall, within 60 days of the public hearing in the host muni-
66 cipality, select the proposal which it deems represents the highest
67 and best use of the real property. In determining the highest and

68 best use of the real property as required by this section, the com-
69 missioner and the committee shall pay due consideration to the
70 impact upon the host municipality, including, but not limited to,
71 impact to housing, infrastructure, natural resources, open space
72 and economic development.

73 If no proposals are received by the commissioner pursuant to
74 the request for proposals issued pursuant to this section, or if the
75 committee determines that the proposals received and recom-
76 mended by the commissioner do not represent the highest and best
77 use of the real property, or if the committee fails to secure a
78 majority vote within 60 days of the public hearing in the host
79 municipality required by this section, the commissioner shall dis-
80 pose of the real property using appropriate alternative competitive
81 processes and procedures. Such alternative competitive processes
82 and procedures may include, but shall not be limited to, absolute
83 auction, sealed bids and requests for price and development pro-
84 posals. The commissioner shall dispose of the real property within
85 90 days of receiving notification from the committee; provided,
86 further, that the commissioner shall, 30 days prior to disposition
87 of the real property pursuant to an alternative competitive process,
88 notify the host municipality and the committee of the alternative
89 competitive process to be used. The commissioner shall, at least
90 30 days prior to the disposition of the surplus real property using
91 an alternative competitive process, place notice in the central reg-
92 ister published by the state secretary pursuant to section 20A of
93 chapter 9 stating the availability of such real property, the nature
94 of the competitive process and other information deemed relevant,
95 including the time and location of the auction, the submission of
96 bids or proposals and the opening thereof.

97 (c) The commissioner shall place a notice in the central register,
98 and provide written notice to the host municipality; provided said
99 notice shall be sent to the city manager in the case of a city under
100 Plan E form of government, the mayor and city council in the case
101 of all other cities, the chairman of the board of selectmen in the
102 case of a town, the county commissioners, the regional planning
103 agency, and the representatives to the general court representing
104 said host municipality. Said notice shall identify the individual or
105 firm selected as party to such real property transaction, along with
106 the amount of such transaction. If the commissioner accepts an

107 amount below the value calculated pursuant to this section he
108 shall include the justification therefor, specifying the difference
109 between the calculated value and the price received.

110 The commissioner shall ensure that any rental agreement, and
111 in the case of a conveyance, a deed or separate disposition agree-
112 ment as deemed appropriate by the commissioner, shall set forth
113 all such reuse restrictions; shall provide for effective remedies on
114 behalf of the commonwealth, including that title to the real prop-
115 erty, or such lesser interest as is the subject of the disposition
116 agreement, shall revert to the commonwealth in the event of a vio-
117 lation of any such reuse restrictions; and shall provide, in the case
118 of a disposition to the host municipality or a non-profit organiza-
119 tion for a direct public use, that the title to the real property, or
120 such lesser interest as is the subject of the disposition agreement,
121 shall revert to the commonwealth in the event the real property is
122 no longer utilized for such direct public use.

123 No agreement for the conveyance, lease or rental or other dis-
124 position of state-owned real property pursuant to this chapter, and
125 no deed, executed by or on behalf of the commonwealth pursuant
126 to this chapter, shall be valid unless such agreement or deed con-
127 tains the following declaration, signed by the commissioner:

128 The undersigned certifies under penalties of perjury that I have
129 fully complied with the provisions of sections 40F, 40F¹/₄, 40F¹/₂,
130 40F³/₄, 40H, and 40J of chapter 7 in connection with the real prop-
131 erty described herein.

132

133

Commissioner, DCAMM

134

Date:_____

135 The commissioner shall maintain, for a period of at least 6
136 years, a file containing a copy of each document necessary to
137 establish fulfillment of the requirements of this chapter as it
138 relates to the disposition of surplus real property. Such file shall
139 be open to public inspection.

140 (d) All net cash proceeds from the conveyance, lease or other
141 transfer of real property pursuant to this chapter shall be deposited

142 by the commissioner, upon receipt, in the Surplus Real Property
143 Proceeds Fund established pursuant to section 2000 of
144 chapter 29.

1 SECTION 6. Said chapter 7 is hereby further amended by
2 inserting after section 40F¹/₂ the following section:—

3 Section 40F³/₄. The commissioner shall be responsible for the
4 acquisition and control of real property in the manner and to the
5 extent provided in this chapter. The commissioner may delegate
6 such responsibility to an administrator who has 10 years of experi-
7 ence in the management of commercial, industrial, institutional or
8 public real property. When responsibility is delegated to an
9 administrator the written approval of the commissioner shall be
10 required before such transaction is finalized.

11 The commissioner shall acquire an interest in real property on
12 behalf of the commonwealth for the use of state agencies and
13 executive offices by gift, purchase, devise, grant, eminent domain,
14 rental, lease, rental-purchase or otherwise.

15 In acquiring buildings for the use of state agencies or executive
16 offices, first consideration shall be given to any structures that
17 have been certified as historic landmarks as provided by
18 sections 26 to 27C, inclusive, of chapter 9, that have been listed in
19 the National Register of Historic Places as provided by 16 U.S.C.
20 section 470a (1974) or that have been designated historic land-
21 marks by local historic commissions, unless use of such buildings
22 would not be feasible in terms of costs and requirements when
23 compared with other available properties.

24 Notwithstanding any other general or special law to the con-
25 trary, real property acquired for the use of state agencies or execu-
26 tive offices shall be held in the name of the commonwealth.

27 The commissioner shall assist in the preparation and shall
28 approve of plans for the organization of all space within and
29 around buildings and appurtenant structures used by state agencies
30 and executive offices, and shall assign the use of space within and
31 around the state house, subject to such rules as the committee on
32 rules of the 2 branches acting concurrently may adopt, in accor-
33 dance with the provisions of sections 10, 16A and 17 of chapter 8;
34 the John W. McCormack state office building; the Leverett Salton-
35 stall state office building; the Springfield office building; the

36 Pittsfield office building; the Erich Lindemann building; the
37 Charles F. Hurley building; any real property acquired for the use
38 of state agencies or executive offices, the greater part of which is
39 not needed by any one state agency or executive office; and any
40 other real property assigned by law to the division of capital asset
41 management and maintenance.

42 The commissioner, with the written approval of the commis-
43 sioner of administration, may transfer use of, and responsibility
44 for maintenance of, buildings, including equipment therein, within
45 or between state agencies and executive offices. No such transfer
46 within or between state agencies or executive offices which
47 involves either a change in the purposes for which such building
48 is currently used or a change in use in excess of 50 per cent of the
49 usable floor space, shall be made without the prior approval of the
50 general court. Any such transfer shall be based on a determina-
51 tion, made by the commissioner with the advice of the executive
52 heads of effected agencies and secretaries of the executive offices
53 in which such agencies are located, that such real property is not
54 needed, is under utilized, or is not being put to optimum use under
55 current conditions. The commissioner shall notify the chairs of
56 house and senate committees on ways and means, the chairs of the
57 joint committee on bonding, capital expenditures and state assets
58 and the representatives to the general court from the city or town
59 in which such real property is located not less than 30 days prior
60 to the final authorization of any transfer which does not require
61 the approval of the general court, and such transfer shall only be
62 made when the general court is in session except as provided
63 hereafter. Such transfer may be made when the general court is
64 not in session, and the thirty day notification requirement may be
65 waived, only if the commissioner certifies in writing that an emer-
66 gency exists; provided, however, that any such transfer may be
67 authorized for a period not to exceed 6 months; and provided, fur-
68 ther, that the commissioner shall submit his certification to and
69 notify the chairs of house and senate ways and means committees
70 and the chairs of the joint committee on bonding, capital expendi-
71 tures and state assets, and the representatives to the general court
72 from the city or town in which such real property is located of
73 such transfer at the earliest possible opportunity.

1 SECTION 7. Section 40H of said chapter 7, as appearing in the
2 2004 Official Edition, is hereby amended by striking out, in
3 lines 23 and 24, the words “state administration” and inserting in
4 place thereof the following words:— bonding, capital expendi-
5 tures and state assets.

1 SECTION 8. Said chapter 7 is hereby further amended by
2 striking out section 40I, as so appearing, and inserting in place
3 thereof the following section:—

4 Section 40I. The clerk of the house of representatives and the
5 clerk of the senate shall, within 10 days of the filing of any legis-
6 lation authorizing the conveyance, lease, transfer, or other disposi-
7 tion of any state-owned real property forward a copy of said bill
8 to the commissioner. Within 90 days of the receipt of said copy,
9 the commissioner shall submit in writing a report to the commis-
10 sioner of administration, the legislative committee before which
11 the bill is pending, and the joint committee on bonding, capital
12 expenditures and state assets together with a recommendation for
13 either the approval or the disapproval of the bill and his reasons
14 therefor.

15 If the commissioner is recommending the approval of a bill
16 proposing the disposition of a parcel exceeding 2 acres, said
17 report shall include: (1) a description of the real property
18 including its current use, structures, and approximate metes and
19 bounds; (2) the value of the real property, determined through pro-
20 cedures customarily accepted by the appraising profession as valid
21 for such purposes, calculated both for (a) the highest and best use
22 of the real property as currently encumbered and (b) uses and
23 encumbrances that would be imposed by the bill if enacted; (3) all
24 current and foreseeable direct public uses identified by following
25 the division’s procedures for such purposes as they apply to the
26 real property to be disposed; (4) other potential public and private
27 uses of the real property; and (5) any other information the
28 general court may require.

29 The commissioner shall expeditiously review and recommend
30 approval or disapproval of any proposal to the general court for
31 the sale, rental or other disposition of real property acquired on
32 behalf of state agencies, and shall dispose of real property as man-
33 dated by the general court.

34 The provisions of this section shall not apply to recommenda-
35 tions filed by the commissioner with the joint committee on
36 bonding, capital expenditures and state assets pursuant to the pro-
37 visions of subsection (b) of section 40F¼.

1 SECTION 9. Chapter 29 of the General Laws is hereby
2 amended by inserting after section 2NNN the following two sec-
3 tions:—

4 Section 2000. There shall be established and set upon the
5 books of the commonwealth a separate fund to be known as the
6 Surplus Real Property Proceeds Fund, hereinafter called the fund.
7 The fund shall be administered by the department of housing and
8 community development. All monies deposited into the fund
9 shall, within 90 days of receipt, be distributed by the fund in the
10 following order of priority:—

11 (i) to reimburse host municipalities for bona fide costs incurred
12 by said municipalities for the maintenance and upkeep of the sur-
13 plus real property wherefrom the funds originated;

14 (ii) a maximum of 10 per cent of the remaining net cash pro-
15 ceeds after funding the costs identified in clause (i) to the host
16 municipality; provided, however, upon certification by the com-
17 missioner of the division of capital asset management and mainte-
18 nance that a host municipality expedited permitting in accordance
19 with part (i) of subsection (g) of section 40F¼ of chapter 7 or took
20 other affirmative actions, which at the discretion of the commis-
21 sioner, furthered the commonwealth's objectives for the parcel,
22 shall be entitled to 20 per cent of the remaining net cash proceeds
23 after funding the costs identified in clause (i). If said municipality
24 exercises its right of first refusal as authorized pursuant to subsec-
25 tion (d) of section 40F¼ it shall not receive a percentage of the
26 sale proceeds; provided, however, that if the host municipality
27 assigns its right of first refusal pursuant to said subsection (d) of
28 said section 40F¼ to a nonprofit organization for a direct public
29 use, it shall receive a maximum of 10 per cent of the net cash pro-
30 ceeds remaining after funding the costs identified in clause (i);

31 If a city or town fails to close on a surplus property due solely
32 to a failure to receive an affirmative vote on a debt exclusion to
33 raise funds for the purchase of the particular parcel pursuant to
34 section 21C of chapter 59 of the General Laws, the city or town

35 shall remain eligible to receive its share of proceeds of the sale as
36 provided in subsection____.

37 (iii) after distribution of net cash proceeds pursuant to clauses
38 (i) and (ii), not more than \$2,800,000 annually shall be deposited
39 in the District Local Technical Assistance Fund established pur-
40 suant to section 2PPP; and

41 (iv) after distribution of net cash proceeds pursuant to clauses
42 (i), (ii), and (iii) the remaining net cash proceeds shall be
43 deposited in Smart Growth Housing Trust fund established pur-
44 suant to section 35AA of chapter 10.

45 Section 2PPP. There shall be established and set upon the books
46 of the commonwealth a separate fund to be known as the District
47 Local Technical Assistance Fund. Amounts credited to the fund
48 shall be administered by the bureau of municipal assistance within
49 the department of revenue which shall ensure that the funds are
50 used for activities consistent with the purpose of this section and
51 the Massachusetts management and accounting reporting system,
52 so-called. Said amounts shall be used solely for the administration
53 and implementation of the provisions of this section.

54 Recipients of said funds shall provide matching resources of
55 not less than 10 per cent, no more than ½ of which may be in-kind
56 services, and shall report such annually on their expenses and pro-
57 gram activities to the commonwealth and local governments. Each
58 regional planning district created under chapter 40B or by special
59 act shall be granted a fixed annual base award of \$150,000 from
60 said fund, with the exception of the Metropolitan Area Planning
61 Council, which shall receive a base appropriation of \$200,000, the
62 Martha's Vineyard commission which shall receive a full annual
63 appropriation of \$100,000 and the Nantucket planning and eco-
64 nomic development commission, which shall receive a full annual
65 appropriation of \$50,000 as its full annual appropriation. One-half
66 of the remainder of the annual appropriation to said fund shall be
67 apportioned among said entities based on the percentage of the
68 commonwealth's population served by each entity, with the other
69 half apportioned based on the percentage of the commonwealth's
70 communities served by each entity.

1 SECTION 10. Section 9 of chapter 40A of the General Laws,
2 as so appearing, is hereby amended by striking out the fifteenth

3 paragraph and inserting in place thereof the following para-
4 graph:—

5 Zoning ordinances or by-laws may also provide that research
6 and development uses, whether or not such uses are currently per-
7 mitted as a matter of right, may be permitted in any non-residen-
8 tial zoning district upon the issuance of a special permit; provided,
9 however, that the granting authority finds that such uses do not
10 substantially derogate from the public good. “Research and devel-
11 opment uses” may include any 1 or more of the following: investi-
12 gation; development; laboratory and similar research uses; any
13 related office uses; limited manufacturing uses; and uses acces-
14 sory to any of the foregoing in any field of science. “Limited man-
15 ufacturing” may, subject to the issuance of such special permit, be
16 an allowed use provided that the following requirements are satis-
17 fied: (1) such manufacturing activity is directly related to research
18 and development uses; (2) no limited manufacturing activity
19 occurs within 50 feet of a residential district; and (3) substantially
20 all limited manufacturing activity occurs inside of buildings with
21 any limited manufacturing activities occurring outside of build-
22 ings subject to such conditions as may be imposed by the granting
23 authority.

1 SECTION 11. Chapter 40B of the General Laws is hereby
2 amended by adding the following section:—

3 Section 30. There shall be established within each regional
4 planning district created under this chapter or by special act a
5 technical assistance center for the delivery of coordinated, com-
6 prehensive, and continuing technical services to and among local
7 governments. Technical assistance services may be provided in
8 any subject area within the capability of each technical assistance
9 center that improves local government capacity, efficiency, knowl-
10 edge and ability to respond to issues, opportunities, laws and
11 requirements including, but not limited to: permitting; required
12 municipal asset inventory and management; communication sys-
13 tems including broadband, wireless and related facilities; emer-
14 gency and incident response systems; electronic government
15 opportunities; remote image and data collection; digital data man-
16 agement and archiving; geographic information systems; geo-
17 location of infrastructure; internet and internet-related

18 technologies; data sharing and regional backup; computer system
19 evaluation and networking; intelligent transportation systems; sta-
20 tistical trends and modeling; digital recordation of accidents, fires
21 and crime; technical specifications relating to management of the
22 sanitary code, water supplies, air quality, storm water and natural
23 resource area; and other land use and smart growth zoning issues.

24 Said regional planning districts shall annually consult with each
25 member city and town to ensure locally needed technical assis-
26 tance services that: (i) aid communities in evaluating new tech-
27 nologies, equipment and systems; (ii) aid communities in
28 improving the efficiency of local government; (iii) reduce costs
29 incurred by local governments for performing duties required
30 thereof; (iv) build capacity and provide needed skills; (v) aid com-
31 munities in meeting new state or federal regulations or require-
32 ments; (vi) provide specific services or initiate demonstration
33 projects; (vii) facilitate sharing of information or best practices
34 among and between communities; (viii) facilitate inter-municipal
35 cooperation or cost sharing; (ix) provide training and skill devel-
36 opment of community employees; (x) aid in improvement of local
37 standards, procedures and regulations; and (xi) promote smart
38 growth zoning, regulations, or standards.

39 Said regional planning districts shall coordinate and focus their
40 programs to augment the services of the local technical assistance
41 centers. A core program of technical services shall be maintained
42 in the fields of management and data, environment, transportation
43 and community development. Other fields may be covered as
44 appropriate and as resources allow. Agencies of the common-
45 wealth initiating or following through on programs or regulations
46 requiring outreach or technical assistance shall first consider uti-
47 lizing the local technical assistance centers while seeking the serv-
48 ices previously enumerated and may enter directly into contracts
49 with the regional planning agencies or their technical assistance
50 centers as they would with any city or town. This provision shall
51 not limit the ability of state agencies to work directly with indi-
52 vidual communities.

1 SECTION 12. Notwithstanding the provisions of sections 40F,
2 40F¹/₄, 40F¹/₂, 40F³/₄, 40H and 40I of chapter 7 of the General
3 Laws, the commissioner of the division of capital asset manage-

4 ment and maintenance shall, upon the execution of a mutually
5 acceptable agreement between the commissioner and the
6 Worcester Business Development Corporation, convey a certain
7 parcel of state owned land to the Worcester Business Develop-
8 ment Corporation. Said parcel is described by the city of
9 Worcester assessor's office as being at a point on the westerly
10 sideline of Plantation street at the most southeasterly corner of the
11 parcel to be described; said point also being the most northeast-
12 erly corner of land now or formerly known as Parcel 10 of the
13 Amended Definitive Subdivision Plan for Worcester Business
14 Development Corporation, dated January 3, 1990 and recorded in
15 the Worcester county registry of deeds, Plan Book 633, Page 78;

16 THENCE N. $71^{\circ} 47' 26''$ W. along land known as Parcel 10, a
17 distance of nine hundred twenty-one and $45/100$ (921.45) feet to a
18 point on a stone wall;

19 THENCE N. $15^{\circ} 38' 45''$ W. following a stone wall, a distance
20 of four hundred seventy-five and $09/100$ (475.09) feet to a point at
21 the end of a stone wall;

22 THENCE N. $83^{\circ} 00' 00''$ W., a distance of four hundred sixty-
23 one and $28/100$ (461.28) feet to a point at the end of a stone wall;

24 THENCE N. $21^{\circ} 04' 00''$ W. along a stone wall, a distance of
25 two hundred eighty-seven and $35/100$ (287.35) feet to an angle in
26 the stone wall;

27 THENCE N. $52^{\circ} 10' 50''$ W. continuing along the stone wall, a
28 distance of two hundred forty-seven and $05/100$ (247.05) feet to
29 an angle in the stone wall;

30 THENCE N. $34^{\circ} 56' 10''$ E. continuing along the stone wall, a
31 distance of twenty-two and $29/100$ (22.29) feet to an angle in the
32 stone wall;

33 THENCE N. $66^{\circ} 40' 00''$ E. continuing along the stone wall, a
34 distance of eight hundred thirty-three and $90/100$ (833.90) feet to
35 an angle in the stone wall;

36 THENCE S. $43^{\circ} 22' 40''$ E. continuing along the stone wall, a
37 distance of seven hundred thirty-nine and $50/100$ (739.50) feet to
38 an angle in the stone wall;

39 THENCE S. $67^{\circ} 21' 50''$ E. continuing along the stone wall, a
40 distance of seven hundred thirty and $17/100$ (730.17) feet to a
41 point on the westerly sideline of Plantation street;

42 THENCE along the westerly sideline of Plantation Street, in
 43 part by a stone wall, the following four (4) courses:
 44 S. 18° 21' 30" W., a distance of eighty-seven and 41/100
 45 (87.41) feet to a point;
 46 S. 15° 19' 30" W., a distance of two hundred thirty-eight and
 47 20/100 (238.20) feet to a point;
 48 S. 10° 37' 00" W., a distance of two hundred seventy-one and
 49 77/100 (271.77) feet to a point; and
 50 S. 19° 17' 00", a distance of one hundred eighty-one and 70/100
 51 (181.70) feet to the point of beginning.
 52 Containing 32.4086 acres, more or less.

1 SECTION 13. The sums set forth in section 13, for the purposes
 2 set forth in this act and subject to the conditions specified under
 3 the provisions of this act, are hereby authorized for expenditure
 4 unless specifically designated otherwise, subject to the provisions
 5 of law regulating the disbursement of public funds and approval
 6 thereof.

ECONOMIC DEVELOPMENT.

1599-2001	For a reserve to supplement funding provided by section 2 of chapter 132 of the acts of 1993, as most recently amended by section 17 of chapter 86 of the acts of 1994, for selected demolition and asbestos and hazardous waste removal and abatement, for planning, marketing, surveying, site evaluation and site preparation at Northampton State Hospital; provided that said demolition and asbestos and hazardous waste removal and abatement, planning, marketing, surveying, site evaluation and site preparation process shall be managed by the Massachusetts Development Finance agency.....	7,000,000
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1 SECTION 14. Notwithstanding any general or special law to
 2 the contrary, the state comptroller shall, within 10 days of the
 3 effective date of this act, transfer \$2,800,000 from the General
 4 Fund to the District Local Technical Assistance Fund established
 5 pursuant to section 2PPP of chapter 29 of the General Laws.

1 SECTION 15. Notwithstanding any general or special law to
 2 the contrary, for each parcel of real property acquired pursuant to
 3 the provisions of chapter 7 of the General Laws the Massachusetts
 4 Development Finance Agency shall file with the house and senate

5 committees on ways and means a written disclosure detailing any
6 personal or professional relationships between any officer,
7 director or employee of the Agency and any party involved with
8 the development or redevelopment of the real property including,
9 but not limited to, any outside legal counsel and other professional
10 services. The Agency shall within 30 days of receiving a request
11 by the house or senate committee on ways and means, provide the
12 committee with a detailed summary of all fees and expenditures
13 incurred relative to the development or redevelopment of real
14 property acquired pursuant to the provisions of said chapter 7
15 including, but not limited to, any fees paid to any outside legal
16 counsel and other professionals retained by, or on behalf of, the
17 Agency.

1 SECTION 16. Notwithstanding the provisions of this act, or
2 any other general or special law to the contrary, the town of North
3 Reading and the town of Wilmington shall receive 20 per cent of
4 the net cash proceeds, as that term is defined in this act, from the
5 sale of real property pursuant to chapter 271 of the acts of 1998,
6 as most recently amended by chapter 7 of the acts of 2001. The
7 percentage of the net cash proceeds shall be divided between the
8 towns based on the percentage of the real property within each
9 town.

1 SECTION 17. Sections 1 to 9, inclusive, shall not be effective
2 as to the disposition of any real property designated surplus by the
3 commissioner of the division of capital asset management and
4 maintenance prior to the effective date of this act, or as to the dis-
5 position of any real property owned by the commonwealth and
6 subject to a special act for the conveyance, lease or other disposi-
7 tion of such real property with an effective date prior to the effec-
8 tive date of this act.